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7 Attorney for Roy Phillips

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ROY PHILLIPS,

15 Defendant.

Case No. 2:19-mj-495-BNW

STIPULATION TO CONTINUE
BENCH TRIAL

(Second Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public
20 Defender, and Andrew Wong, Assistant Federal Public Defender, counsel for Roy Phillips, that
21 the bench trial currently scheduled on October 2, 2019, at the hour of 8:30 a.m., be vacated and
22 set to a date and time convenient to this Court, but no sooner than thirty (30) days.

23 This Stipulation is entered into for the following reasons:

24 1. Counsel for the defendant needs the additional time to review, investigate, and
25 discuss the case with Mr. Phillips.

26 2. The defendant is not in custody and does not oppose a continuance.

1 3. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice. The additional time requested by this Stipulation is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
4 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code
5 §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

6 This is the second request for a continuance of the bench trial.

7 DATED this 16th day of September, 2019.

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9 RENE L. VALLADARES
10 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

11 /s/ Andrew Wong
12 By _____

13 ANDREW WONG
14 Assistant Federal Public Defender

15 /s/ Rachel Kent
16 By _____

17 RACHEL KENT
18 Assistant United States Attorney
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1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
6 account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United
8 States Code, Section 3161(h)(7)(A), when considering the facts under Title 18, United States
9 Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday,
12 October 2, 2019 at 8:30 a.m., be vacated and continued to December 11, 2019, at 8:30
13 a.m.

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15 DATED this 17th day of September, 2019.

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18 UNITED STATES MAGISTRATE JUDGE
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